

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

No. 4:18-MJ- 786

BRIAN MATTHEW MORTON (01)

CRIMINAL COMPLAINT

I, the undersigned Complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On or about May 10, 2018, in the Fort Worth Division of the Northern District of Texas, defendant **Brian Matthew Morton** knowingly received any visual depiction using any means and facility of interstate or foreign commerce, by any means, including by computer, knowing the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct.

Specifically, **Morton** used the Internet and a cellular telephone to receive the following visual depiction of a minor engaged in sexually explicit conduct as defined in 18 U.S.C. § 2256:

File Name	File Description
2018I-THP1-3236(001)\files\image1525939931369.jpg	An image depicting the genital area of a prepubescent female child with an erect adult male penis penetrating her vagina. The focus of the image is the genitals.

In violation of 18 U.S.C. § 2252(a)(2) and (b)(1).

INTRODUCTION

1. I have been employed as a Special Agent with United States Secret Service (“USSS”) since June 2016, and I am currently assigned to the Dallas Field Office located in Irving, Texas. Since joining the USSS, I have been involved in investigations of counterfeit U.S. currency and crimes against children. I have gained experience in such investigations through everyday work related to conducting these types of investigations. I have also participated with agents from the U.S. Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations, in conducting criminal investigations involving child exploitation and child enticement. As part of my duties as a USSS agent, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252 and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have been involved in numerous child pornography investigations and am very familiar with the tactics used by child pornography offenders who collect and distribute child pornographic images.

2. The information contained in this affidavit is from my personal knowledge of the described investigation and from information obtained from other law enforcement agents.

OVERVIEW OF INVESTIGATION

3. On September 1, 2018, Texas Department of Public Safety (DPS) officers stopped **Morton** in Palo Pinto County, Texas, for speeding. DPS officers smelled marijuana in **Morton's** vehicle, and **Morton** acknowledged he had marijuana in his vehicle. DPS officers arrested **Morton** for possession of a controlled substance, and subsequently searched his vehicle. Inside the vehicle were 100 pairs of women's underwear, 14 adult sex toys, one of which was plugged in and charging, marijuana, and three cellular phones. **Morton** was also searched at the time of his arrest. His pants' zipper was down, and he had a pill bottle containing Ecstasy pills and a pair of women's underwear in his pockets.

4. On September 4, 2018, search warrants were issued for the three cellular phones seized from **Morton's** vehicle. DPS officers searched the phones and found child pornography on all three phones. On September 5, 2018, the devices were taken to Garland Police Department for forensic examination. On September 10, 2018, DPS officers obtained new search warrants for the phones specifically referencing child pornography. I subsequently reviewed the images extracted from **Morton's** three cellular phones and determined that the phones collectively contained approximately 19,270 images of child pornography or child exploitive material.

5. According to **Morton**, he viewed the child pornography located on his phones through the cellular phone application “Tumblr,” which was installed on all three phones. “Tumblr” is a blogging and social networking website service that allows users to post multimedia and other content to a short-form blog. Users can upload text posts, images, videos, quotes, or links to their blog. Users can also follow, comment, re-blog, and like posts from other blogs that appear on their dashboard. The “dashboard” is a live feed of recent posts from blogs users follow. Many of the images extracted from **Morton’s** phones appear to be screenshots taken from the Tumblr dashboard. A screenshot is a digital image of what is visible on a cell phone screen, computer monitor, or other visual output device at the time the screenshot is produced.

6. The image 2018I-THP1-3236(001)\files\image 1525939931369.jpg, which is an image depicting the genital area of a prepubescent female child with an erect adult male penis penetrating her vagina with a focus on the genitals, was downloaded to **Morton’s** LG cellular phone, model MS210, IMEI 353341091364720, on or about May 10, 2018. The image appears to be a screenshot that **Morton** took from his Tumblr account on that date. This cellular phone was one of the phones seized from **Morton** in Palo Pinto County on or about September 1, 2018.

7. On October 26, 2018, a DPS officer and I interviewed **Morton** at the Palo Pinto County Sherriff’s Department. During the interview, **Morton** stated the following:

- he is the only person that uses the subject cellular phones that were seized from his vehicle;


- all images of child pornography on his cellular phones were captured using the Tumblr application;
- he initially claimed he began saving images three months ago, but later admitted it could have been as many as eight months ago;
- he planned to turn over the images to law enforcement but was unable to say when he planned to do that; and
- he never reported the child pornography images he found to law enforcement.

8. Based on my training and experience in child exploitation investigations, I am aware that downloading files using the Tumblr application requires use of the Internet, which is a means and facility of interstate and/or foreign commerce. Furthermore, the cellular phone **Morton** used to receive the images set forth in paragraph six bears a label that reads "Made in Vietnam." Therefore, for the device to be present in the Northern District of Texas, there is probable cause to believe that the device itself travelled in and affecting interstate and foreign commerce.

CONCLUSION


9. Based on the facts set forth in this affidavit, there is probable to believe that on or about May 10, 2018, **Brian Matthew Morton** knowingly used a means and facility of interstate commerce to receive a visual depiction of a minor engaged in sexually

explicit conduct, in violation of 18 U.S.C. § 2252(a)(2). Accordingly, I respectfully request that this Court issue a warrant authorizing the arrest of **Morton** for this offense.



Special Agent Steven Chisholm
United States Secret Service

Subscribed and sworn before me this 19th day of December 2018 in Fort Worth, Texas at 11:17 ~~p.m.~~ a.m.



JEFFREY L. CURETON
United States Magistrate Judge